

THE FREEDOM OF THE SEAS.

ports by intercepting and searching the neutral vessels which carry them. This principle was established by the United States during the Civil War.

(3) A belligerent may rightfully prevent the access of munitions of war to his enemy, and may seize any neutral ship carrying such supplies (known as "contraband"). A neutral vessel carrying contraband ought, however, always to be brought before a properly constituted prize-court, save in very exceptional circumstances. On the judgment of the prize-court not only the contraband cargo but the ship which carries it may be legally confiscated.

Such are the three main principles of international law affecting the freedom of the seas in time of war, as they have been gradually established during the last three centuries. They involve (1) that a belligerent may be absolutely deprived of the right to use the seas, whether for peaceful commerce or otherwise, if his enemy is strong enough to enforce this; and (2) that the freedom of the seas may be qualified in the case of neutrals in two well-defined ways: (a) their ships may be absolutely excluded from enemy ports on pain of confiscation or destruction, by means of a blockade, provided that the blockade is really effective; and (b) their ships may be confiscated or destroyed if they attempt to carry "contraband" to a belligerent. But these restrictions are subject to two definite provisos. First, neutral lives must in no case be taken; and secondly, neutral property must be absolutely respected except where it is contraband destined for the enemy, or where it is endeavouring to run an effective blockade.